

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAWN MARIE BALL,	:	Civil Action No. 1:08-CV-0391
Plaintiff	:	
	:	(Chief Judge Kane)
v.	:	
	:	
SCI MUNCY, et al.,	:	
Defendants	:	

MEMORANDUM

Dawn Marie Ball, an inmate confined at the State Correctional Institution at Muncy, Muncy, Pennsylvania, filed this civil rights action on March 6, 2008. (Doc. No. 1.) Plaintiff is proceeding *pro se*. On May 13, 2008, Defendants Himelsbach and Famiglio filed a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), as well as a brief in support of the motion. (Doc. Nos. 20, 21.) Although the Court forwarded to Plaintiff a copy of the Standing Practice Order containing an explanation of the procedure to be followed when motions are filed and a copy of the pertinent portions of the Local Rules of Court (Doc. No. 4), Plaintiff has failed to file any brief in opposition to the motion as required by Local Rule 7.6. Accordingly, the motion is presently unopposed.

A dispositive motion may generally not be granted merely because it is unopposed, see Anchorage Assoc. v. Virgin Islands Board of Tax Review, 922 F.2d 168, 174 (3d Cir. 1990). However, the Third Circuit has held that consistent with local rules of court, a motion to dismiss may be granted without a merits analysis “if a party fails to comply with the rule after a specific direction to comply from the court.” Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991). Plaintiff will be afforded additional time to respond to the motion to dismiss as provided in Local Rule 7.6. **Failure to respond by the specified date will result in the motion being granted without a merits analysis.**

An appropriate Order shall issue.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAWN MARIE BALL,
Plaintiff

v.

SCI MUNCY, et al.,
Defendants

: Civil Action No. 1:08-CV-0391
:
: (Chief Judge Kane)
:
:
:
:
:

ORDER

AND NOW, this 9th day of June 2008, for the reasons set forth in the accompanying memorandum, **IT IS HEREBY ORDERED THAT:**

- 1 In accordance with Local Rule 7.6, Plaintiff is **DIRECTED** to file a brief in opposition to Defendants' motion to dismiss (Doc. No. 20) on or before June 23, 2008.
2. Failure to file a brief in opposition to the motion will result in the motion being deemed unopposed and an order granting the motion to dismiss without a merits analysis and dismissing the action against Defendants Himelsbach and Famiglio.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania